

KANSAS WIC **VENDOR PROCEDURE MANUAL** **October 2007**



Sponsored by:
U.S. Department of Agriculture

Administered by:
Kansas Department of Health & Environment
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and:
Your Local WIC Agency

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Introduction

Thank you for your interest in becoming a vendor of authorized foods prescribed for clients in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). The role of a WIC vendor is an important one, and your interest in becoming part of this program is appreciated. In partnership with the Kansas Department of Health and Environment (KDHE) and health and community action agencies in your area, you will be working to improve the health of citizens throughout your community and Kansas.

If you have any questions or suggestions regarding the program, call your Local WIC Agency (LA) or the State WIC Agency (SA) at 785-296-1320 (voice), 785-296-1326 (fax) or toll free at 1-800-332-6262. Note: the 1-800 number is a KDHE general assistance line. Ask for the WIC office and your call will be transferred. You may write the SA at:

KDHE - Nutrition and WIC Services
1000 SW Jackson St., Suite 220
Topeka, KS 66612-1274

History of WIC

Federal law established the Supplemental Nutrition Program for Women, Infants and Children (WIC) in 1972. This cost-effective nutrition intervention program is designed to improve the nutritional status of income eligible pregnant, breastfeeding and postpartum women, infants and children up to the age of five years who are determined medically at risk. WIC is funded by the United States Department of Agriculture (USDA) and was first offered in Kansas in 1974. WIC program services are provided throughout the state by county health agencies.

Purpose

Studies have shown that inadequate nutrition and health care represent a special threat to the physical and mental well being of people. The greatest risk is to pregnant women, women who have recently given birth, breastfeeding women, infants, and children up to five years of age. Congress established WIC in response to these findings.

WIC has three major components:

- nutrition education;
- referral to other health services; and
- the provision of supplemental foods.

It should be noted that the foods supplied through WIC are not intended to serve as a complete diet, but only to supplement the foods already being consumed by the client.

All WIC activities are carefully coordinated so appropriate action can be taken during critical stages of growth and development. Serious nutrition problems can thus be prevented and the overall health status of clients can be improved.

Administration

The U.S. Department of Agriculture (USDA) provides KDHE with funds to operate WIC. KDHE in turn makes the funds available to qualified LA, which operates the program in their communities. Eligible agencies must be able to provide appropriate health and nutrition services as well as administer the program. A copy of the Federal regulations covering the food delivery system may be obtained upon request to the SA or by visiting <http://www.fns.usda.gov/wic/MENU/Regulations/regulations.htm>

How WIC differs from other programs (such as the Food Stamp Program)

Only those vendors able to fulfill the specific WIC requirements are authorized to accept WIC checks.

Only designated foods are provided that contain key nutrients that are essential for good health.

WIC is a program for pregnant, delivered, or breastfeeding women, infants and children up to age five only.

Client eligibility is determined by meeting three criteria: must reside in Kansas; must be at nutritional risk; and must be at or below 185% of the federal poverty level.

Foods provided are individually tailored according to the client's nutritional needs. The WIC food package assigned to a WIC client is a nutritional prescription in the same way medicine is a pharmaceutical prescription.

Program Benefits

WIC provides three types of services:

1. Nutrition Education. Nutrition education is required for all WIC clients. This may take the form of one-to-one counseling or group sessions. The topics covered typically include nutrition and pregnancy, breastfeeding, the proper use and nutritional significance of WIC foods, the importance of good health care, and how to maintain an adequate diet.
2. Health Services. WIC clients are referred to health services either through the WIC agency itself or to other providers in the community. Clients are encouraged to take advantage of these services. If a person being certified for WIC is identified as having a specific problem, the person is referred to the appropriate provider for follow-up services.
3. Supplemental Foods. The foods provided through WIC are intended to supplement food intake of the program clients, not to serve as a complete diet. WIC foods are selected because they contain high levels of specific nutrients that have been found to be generally lacking in the diets of the targeted population. A qualified health professional determines the types and quantities of food prescribed for each individual based on an individual nutrition assessment.

What Role does the Vendor Play?

WIC vendors play an important role in the health community. The WIC check contains a food prescription designed to supplement the WIC client's nutritional needs. The vendor fills the prescription, ensuring that the client receives what is prescribed on the check. Vendors act as the final step in the WIC process. The vendor's role is vital to the success of the WIC program because the nutritious WIC foods are designed to promote the healthiest possible birth outcomes, as well as the growth and development of children.



WIC Vendor Website

Information about the Kansas WIC Program can be found at: <http://www.kdheks.gov/nws-wic/> . There is a separate link for Vendor Information on the left pane that provides electronic versions of all vendor forms, manuals and past correspondence sent out from the WIC State Agency. The policies and procedures that guide the Vendor Management of the Kansas WIC program are also available on this website under the WIC Policy and Procedure Manual link.



Important Notice

The Kansas WIC Program sends out important information that can assist vendors in maintaining compliance with the Kansas WIC Program Vendor Participation Contract. Therefore, it is essential that all correspondence received is read and distributed to all staff members.

WIC Food Delivery System

About every three months, a WIC client visits a WIC clinic and receives a specific quantity of WIC checks. The checks specify the types and quantities of food that may be purchased. WIC clients are required to purchase the least expensive brand on the shelf at the time of purchase of all foods except formula, adult cereals, juices and peanut butter. The use of cents off, discount coupons, or loyalty cards does not change the determination of least expensive brand.

The client uses WIC checks to purchase the prescribed foods from any authorized Kansas WIC vendor. A limited number of pharmacies are authorized to provide specialty formulas. No other food items may be purchased at a pharmacy. The client must use the WIC checks during the valid time period indicated on each check.

INFANT FORMULA REBATE

The WIC program participates in an infant formula rebate program as required by Federal Regulations. The Kansas WIC program contracts with an infant formula manufacturer using a competitive bid process. The Kansas WIC program agrees to purchase the manufacturer's formula and in return, the manufacturer agrees to pay a rebate for each container of their infant formula purchased through the WIC program. The infant formula rebate program provides Kansas with additional dollars allowing the program to serve greater numbers of eligible clients.

WIC clients select an iron-fortified formula from a list of approved products. Once the client selects a particular product, that product will be printed on the checks issued to that client. **The formula printed on the check is the ONLY brand, container size and consistency of formula the client may purchase.** If a vendor has a problem supplying a particular infant formula, please notify the Local Agency or State Agency.

In certain situations, special formulas prescribed by a physician are provided by WIC for clients with unique medical conditions. These special formulas may or may not result in a rebate to the program.

VENDOR RESPONSIBILITIES

It is the responsibility of the WIC vendor to follow the policies and procedures of WIC. These responsibilities include but are not limited to the following:

1. Comply with requirements specified in the Vendor Participation Contract and this Kansas WIC Vendor Procedures Manual.
2. Purchase infant formula from the Approved List of Infant Formula Wholesalers/Retailers/Manufacturers **only**.
3. Accept and process WIC checks only within the confines of the store.
4. Ensure that a minimum stock of WIC foods with future expiration dates is on the shelves at all times. (Certain exceptions are allowed. See requirement #5 under Vendor Evaluation and Selection Criteria page 14).
5. Post the WIC approved decal in a highly visible location on or near entrances to the store.
6. Assure that WIC clients purchase only WIC foods identified on the WIC Approved Food List.
7. Give all WIC clients the same service, same courtesies as non-WIC customers. WIC customers are not to receive any form of preferential treatment.
8. Deposit properly redeemed WIC checks within the time period printed on the face of the check.
9. At least one key employee is required to attend/complete all required training. That employee is then responsible to train all employees on WIC procedures and distribute WIC materials.
10. Keep the current WIC Approved Food List and Cashier Guide at each cash register.
11. Submit timely, **accurate** Quarterly Price Assessments (QPA) of listed foods as requested by the State Agency.
12. Cooperate with WIC officials when the store is being evaluated or monitored and resolve problems with checks and clients.
13. Will not use any incentives, "give aways", specials, or the like, for the purpose of encouraging or otherwise enticing WIC clients to redeem their WIC checks at the store. Simple notices such as "This is a WIC vendor" or "WIC Checks accepted here" are allowable.

14. For “WIC Only” Stores – Stock no other products than Kansas WIC approved products. No cash transactions are allowed at any time.
15. Notify the Local WIC Agency or the State Agency in writing at least fifteen (15) days in advance of when the store ceases operation, changes ownership, name, or location. In these instances, except for a name change and/or close proximity location change, the State Agency shall terminate the vendor contract.
16. Compliance with the vendor selection criteria must be maintained throughout the contract period, including any changes to the criteria.

LOCAL AGENCY RESPONSIBILITIES

Local Agency's are the direct avenue by which WIC services are made possible. They are also the contact for the WIC vendor when dealing with challenges within the WIC food delivery system. Local Agency staff members have many responsibilities that include:

1. Recruit vendors as needed and serve as the primary vendor contact.
2. Interact with and provide supervision to vendors on issues related to check redemption, contract violations, complaints and allegations of program abuse by vendors or clients.
3. Evaluate new vendors during application processing and monitor existing vendors at other times throughout the contract period.
4. Send warning letters to vendors for contract violations as noted during monitoring visits and during investigations.
5. Train new WIC vendors in the proper procedures prior to the time of contract authorization, unless directed otherwise by the State Agency.
6. Provide training annually to all vendors and technical assistance as needed unless directed otherwise by the State Agency.
7. Provide vendors monthly food redemption summaries to ensure minimum inventory is maintained.
8. Investigate and respond to complaints received from both vendors and clients and issue warning letters when indicated.
9. Participate in fair hearings, administrative hearings, and appeals as necessary.

STATE AGENCY RESPONSIBILITIES

The State Agency assures that all food delivery policies and procedures as required by USDA are executed as governed by Federal Regulations. The State Agency performs the following duties:

1. Reimburse vendors for all validly redeemed and deposited checks.
2. Interact with and provide supervision to vendors on issues related to check redemption, contract violations, complaints, allegations of program abuse by either vendors or clients, and administrative hearings.
3. Provide information to vendors regarding major changes in the WIC food delivery system prior to implementation of those changes.
4. Provide a toll free number for vendors use to report any problems, concerns, fraud or abuse. The toll-free number is 1(800) 332-6262. This number is a KDHE general assistance line.
5. Review and approve or disapprove all vendor applications.
6. Review reports of the performance of vendors completed by the Local Agency.
7. Provide materials and training guidance for the Local Agency to assist vendors in reducing problems in processing WIC checks.
8. Train and evaluate Local Agency in their responsibilities with vendors.
9. Collect the QPA submitted by vendors to judge price fluctuations in retail shelf prices of WIC approved food items.
10. Issue warning letters for contract violations as appropriate and impose contract sanctions as indicated.
11. Maintain vendor confidentiality. Any information relating to a vendor that individually identifies the vendor, except name, address, and authorization status will remain confidential.

Vendor Evaluation and Selection Criteria

The Kansas WIC program provides authorized foods to clients via a retail purchase system using contracted grocery vendors and pharmacies. The State Agency does not authorize either home delivery or direct distribution systems. Participating pharmacies provide specialty formulas but cannot sell any other WIC authorized foods. The State Agency has established criteria to evaluate and select vendors for initial and continuing participation in the WIC Program. Using the established criteria, the State Agency will authorize food vendors in order to assure adequate client convenience and access. The State Agency may limit the number of participating vendors to assure that state and local officials can effectively manage the evaluation and monitoring of food vendors. The authority to limit the number of authorized food vendors is given in the Federal Regulations located at 7 CFR § 246.12(g) (2).

The State Agency must authorize an adequate number of vendors to ensure reasonable access to WIC clients and to ensure effective management and oversight of authorized vendors.

- If there is inadequate client access to a WIC vendor, the State Agency may exempt full-line grocery stores from criteria 1, 2, 3, 4, 7 and 8. Except for certain exemptions regarding infant formula, there will be no exemptions made from criteria 5 (minimum quantity of authorized foods) and criteria 6 (comparable prices) for full-line grocery stores.
- If there is inadequate client access to a WIC vendor, the State Agency may exempt pharmacies and non-profit vendors from criteria 1, 2, 3, 4, 6, 7 and 8. Except for certain exemptions regarding infant formula and lactose free milk, there will be no exemptions made from criteria 5 (minimum quantity of authorized foods) for exempt pharmacies and non-profit vendors.
- The Kansas WIC program authorized vendors who received more than 50 percent of their annual gross sales from the WIC program from July 1, 2001 until September 30, 2006. Effective October 1, 2006, the Kansas WIC program shall not authorize any vendor who plans or reports that 50 percent of their annual gross sales will be or are derived from items sold to the WIC program. Above 50 percent vendors that are authorized on October 1, 2006, shall be allowed to remain an authorized vendor until either the vendor or the State Agency terminates the contract.

Applicants and authorized vendors must consistently meet all the following criteria throughout the contract period, including any changes to the criteria.

1. Vendors must be a full-line retail grocery store that does not derive 50 percent or more of their annual food sales from the sale of supplemental foods to WIC clients.
 - Full-line retail grocery stores are defined as businesses that regularly stock the following staple food items: fresh or frozen uncooked meats and poultry (prepackaged luncheon meats and prepared foods do not qualify); fresh produce such as raw fruits and vegetables; canned and frozen vegetables;

fresh dairy products; cereals and breadstuffs; and infant formula. Military Commissaries are considered full-line grocery stores.

2. Vendors must provide foods from stationary locations, have a minimum food sales area of 2,000 square feet or more, and be accessible to participants with disabilities.
3. Vendors must not currently be disqualified from participating in the Food Stamp Program.
4. For existing vendors, sufficient participant usage of the store must exist. This criterion will be assessed on an annual basis for vendors who have less than 50 WIC clients redeeming checks at the store and for vendors that are located in close proximity to another WIC vendor according to the established standards indicated below.

This criterion is designed to help establish a manageable number of WIC vendors while also considering participant access. Consideration will be given to geographic barriers, available public transportation, and travel distances. Vendor contracts may be discontinued prior to the end of the standard three-year term for vendors who fall below the established standards. Contracts in this situation will be discontinued no later than September 30 of each year.

Newly approved vendors will be evaluated after completing one year of participation as a WIC vendor.

- Proximity Standard: When there is a question of proximity, maps will be used to determine the geographic relationship of one vendor to another WIC vendor.
 - Rural Counties: Vendors located 5 miles or less from another WIC vendor will be evaluated for participant usage.
 - Urban Counties: Vendors located 1 mile or less from another WIC vendor will be evaluated for participant usage.
- Participant Usage Standard: An existing vendor is assessed by counting the number of WIC clients redeeming food instruments with the vendor. The State Agency will gather the data for this criterion by reports generated through the processing of WIC food instruments. In order to continue as a WIC vendor, the vendor must have either of the following:
 - Rural counties: Vendor must average 25 participants for the months of April, May and June.
 - Urban counties: Vendor must average 100 participants for the months of April, May and June.

5. The vendor must maintain a minimum stock of WIC approved foods. The State Agency defines minimum stock as a sufficient quantity and variety of WIC foods to equal or exceed the established WIC minimum stock requirements.

The Minimum Stock Requirements form has been established using the following standards:

- Variety Standard (all Counties): Varieties allow for clients' individual preferences. The number of varieties listed on the Minimum Stock Requirements form must be available.
 - Quantity Standard for Vendors in Rural Counties: Minimum stock must be sufficient to supply the food for one client redeeming one month's worth of checks with the greatest quantity of food allowable.
 - Quantity Standard for Vendors in Urban Counties: Minimum stock must be sufficient to supply the food for two clients redeeming one month's worth of checks with the greatest quantity of food allowable.

An exemption from the minimum stock requirement for specific infant formula may be made when the demand for particular infant formula falls below the minimum stock requirement. Vendors must request the exemption from the Local Agency. Approval must be made by the Local Agency and documented in the vendor's file maintained by the Local Agency. A copy of the exemption authorization must be maintained at the vendor's location and at the State Agency.

The Local Agency staff will assess the vendor's stock of WIC approved foods using the WIC Product Inventory. Stock assessed must be in the store, either on the shelf or in the stockroom.

6. Each vendor will be assigned to a vendor peer group based on geographic location, square footage of food sales floor area, number of cash registers, type of store ownership, number of stores, and total annual gross sales. At the time of application or contract renewal, the vendor's prices must compare favorably with the average prices established for the peer group they are in. Vendors with the lowest prices for WIC foods will be given preference for authorization over vendors with higher priced WIC food items.

The State Agency will use the Vendor Price Survey and/or Quarterly Price Assessment (QPA) to assess the vendor's prices. The State Agency will determine the average prices of representative WIC allowable foods of all WIC vendors by peer group using results from the most recent QPA.

All prices on the Vendor Price Survey or QPA will be assessed against the peer group average price for each type of WIC allowable foods. The peer group data used will correspond to the peer group to which the vendor has been assigned.

Any vendor with more than 50% of their food prices above the peer group averages will be considered high priced. Any vendor with more than 75% of their food prices above the peer group averages will be considered very high priced. High and very high priced vendors will be considered for program participation only when no other vendor with lower prices meets the remaining selection criteria.

7. Vendors must not have more than fourteen (14) contract violations in the previous year to continue as a WIC vendor.
8. Vendors must produce a dated cash register receipt to document each sale. The receipt should give a product description of individual food items purchased and unit prices for each food item to allow auditing of foods sold to WIC participants. Improvements which will enable better auditing of the purchase of WIC authorized foods will be suggested to each vendor after each evaluation. No vendor will be denied a WIC contract based solely on this criterion.

Vendor Management Groups and Monitoring

In order to facilitate the management of WIC vendors, all vendors are assigned to one of three vendor management groups.

The following schedule is used during each group's monitor and selection year:

1. Beginning October 1 through June 30 the Local Agency monitors every new and current vendor using the established criteria. The Local Agency may also provide required training to each vendor during this time (see Employee Training page 26).
2. From July 1 through September 1 the State Agency reviews the evaluations and makes the determination to award or deny a contract to a vendor.
3. The contract term begins on October 1 and ends, unless terminated sooner, on September 30, three years later.

Contract Cycle

Each vendor group has a different three-year contract cycle. Vendor contracts are not automatically renewed. The standard WIC vendor contract is three years in length.

Contracts are processed when the monitoring process is completed. Contracts are sent to vendors as soon as possible after the entire process is complete but no later than 15 days prior to the expiration of the current contract.

New Vendor Applications

Non-participating grocers located in the state of Kansas can submit an application to become a WIC vendor at any time during the year. If the closure of a WIC vendor creates a WIC client access problem, the State Agency will work with the Local Agency to invite potential vendors to make immediate application to participate in the program.

Vendor Name Changes or Relocations

If the vendor's name or address changes and ownership remain the same, a new application must be submitted for verification of information only. This is not considered a new application only an update of changes to the current contract.

Vendor Change of Ownership or Termination of Operations

A vendor's authorization to participate in WIC is NON-TRANSFERABLE. If a vendor changes ownership or goes out of business, the authorization to participate automatically becomes null and void and WIC checks may no longer be accepted. The Authorized WIC Vendor Stamp must be returned to the State Agency upon termination of the WIC Vendor Participation Contract due to voluntary termination, change of ownership, non-renewal of the contract or disqualification from the WIC program and the WIC decal removed from the window. The vendor is responsible for notifying the Local Agency or State Agency seven days in advance of an ownership change or termination of operations.

A vendor's authorization to participate can be terminated by the State Agency with 15 days advance written notice given to the vendor. These terminations typically occur due to the vendor no longer meeting WIC eligibility criteria, disqualification from participation in the Food Stamp Program, or failing to comply with any of the program requirements outlined in the this manual and the Vendor Participation Contract.

Failure to comply with program requirements may also result in legal penalties beyond authorization to participate, as set forth in the Vendor Participation Contract.

Vendor Authorization

Each vendor must apply to the program and be approved in order to participate as an authorized WIC vendor. The SA is not responsible for reimbursement for any WIC check accepted by the vendor during any time in which a valid contract is not in effect.

All authorized WIC vendors will be issued a rubber stamp containing the WIC vendor number and the vendor's name as it appeared on the vendor application; an authorized window decal stating the store accepts WIC checks; and a copy of the signed vendor contract.

WIC Door Decal

The WIC decal should be displayed in a highly visible location on or near the entrance to the store. Vendors with more than one entrance may request additional decals.

Authorized WIC Vendor Stamp

Each WIC vendor is assigned a unique WIC identification number that appears on the rubber stamp. The stamp must be used on all checks processed by the vendor. The vendor must ensure the authorized vendor stamp is used only for the purpose intended and assume full responsibility for any unauthorized use of the stamp. Replacement stamps can only be obtained by contacting the State Agency. Broken or damaged stamps are replaced free of charge. Lost stamps require a payment of \$25 with a check made payable to the Kansas Department of Health and Environment. Authorized WIC stamps can only be obtained from the State Agency. The vendor or the Local Agency may not duplicate the stamps.

Accepting WIC Checks at the Cash Register

Sample Check

WIC uses computer-generated checks. A sample check is shown below:

KDHE - WIC Program, 1000 SW Jackson, Suite 220 Topeka, KS 66612-1274 - 1-800-332-6262		1084012547	
Pay to the order of any Authorized Kansas WIC Vendor Only	Payable through: Southern National Bank	64-1968 611	Do not use before this date: No use antes esta fecha: 10/02/2006
Clinic: 86 Brown County WIC Clinic 1-785-742-2505		Fill in actual purchase date: Llene la fecha verdadera de la compra: (Mes/Día/Año - Month/Day/Year)	
Client:		Do not use after this date: No use después esta fecha: 11/02/2006	
AUTHORIZED FOOD - NO SUBSTITUTIONS WD102-3, 1 [309] ALIMENTOS AUTORIZADOS - NINGUNAS SUSTITUCIONES		Not Negotiable Without Kansas WIC Vendor Stamp Here	
Quantity Description 36 ounces Cereal 2 containers Juice-(11.5-12 oz conc. or 46 oz cans or bottles) 2 gallons Fluid Milk		Cashier's Initials \$	Vendor must Deposit by: 12/01/2006
		Actual Purchase Amt	
		I purchased the WIC Foods at the price indicated above. Compré los alimentos de WIC en el precio indicado arriba.	
		X	
Sign only after price is entered (Firme aquí sólo después que precio esta notada)			

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All checks contain the following information:

- Client and WIC clinic information
- Food quantity and food description
- Authorized signature information
- Deposit by date
- Do not use after date
- Do not use before date
- Check number

KDHE - WIC Program, 1000 SW Jackson, Suite 220 Topeka, KS 66612-1274 - 1-800-332-6262		1084012547	
Pay to the order of any Authorized Kansas WIC Vendor Only	Payable through: Southern National Bank	64-1968 611	Do not use before this date: No use antes esta fecha: 10/02/2006
Clinic: 86 Brown County WIC Clinic 1-785-742-2505		Fill in actual purchase date: Llene la fecha verdadera de la compra: (Mes/Día/Año - Month/Day/Year)	
Client:		Do not use after this date: No use después esta fecha: 11/02/2006	
AUTHORIZED FOOD - NO SUBSTITUTIONS WD102-3, 1 [309] ALIMENTOS AUTORIZADOS - NINGUNAS SUSTITUCIONES		Not Negotiable Without Kansas WIC Vendor Stamp Here	
Quantity Description 36 ounces Cereal 2 containers Juice-(11.5-12 oz conc. or 46 oz cans or bottles) 2 gallons Fluid Milk		Cashier's Initials \$	Vendor must Deposit by: 12/01/2006
		Actual Purchase Amt	
		I purchased the WIC Foods at the price indicated above. Compré los alimentos de WIC en el precio indicado arriba.	
		X	
Sign only after price is entered (Firme aquí sólo después que precio esta notada)			

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The **cashier** first completes:

- Legibly fills in his or her initials.
- The total actual sale price of the WIC foods purchased with this check.

Then the WIC **client** completes:

- The actual purchase date of the food.
- The client or proxy's signature.

The vendor's WIC **bookkeeper** reviews the check for accurateness and completes:

- Stamps the check with the vendor's authorized Kansas WIC stamp.
- Checks the actual purchase amount to ensure the items listed on the check were purchased and the correct total amount is written in.

Before beginning the WIC transaction, verify the identity of the WIC customer

To help ensure that only qualified persons receive WIC food benefits, vendors must verify the identity of those making WIC purchases.

Only WIC clients, caregivers, such as mother, father, etc. or a proxy for the client or caregiver are authorized to make a purchase with WIC checks.

A client's identification may be classified as verified if a staff member at a vendor location has personal knowledge of the client's identity or if the client shows an acceptable form of identification (e.g. a WIC Identification Card/Check Folder, a WIC Proxy Card, a driver's license, photo ID, Military ID, student or employee ID). Social Security cards are not an acceptable form of identification.

Note: see appendix B – WIC Program Identification Card/Check Folder.

Note: see appendix C – Proxy Card.

Because clients, caregivers or proxies must sign the check when redeeming checks for food, verification of identity can include comparing a signature on an acceptable form of identification with the signature on the check. Verification of identity can also include a visual comparison of the customer's appearance with a photograph on an acceptable form of identification.

Altered Checks

Altered checks include changes in client or caregiver names, first and last dates of use, food item descriptions, and authorized food quantities. Use of white out in these noted areas on checks is an alteration. Altered checks should not be accepted from WIC clients. Clients presenting altered checks should be told to return to the LA for replacement checks.

Altered checks will not be paid. Checks with detected alterations are rejected and returned to the vendor.

First and Last Day to Use Dates

WIC checks may be accepted at any time between and including the "Do not use before" and "Do not use after" dates as printed on the top right side of the check.

Authorized Corrections to Check Errors

Vendor Errors: If the vendor makes an error when entering the total sale amount on the check, the error may be corrected by drawing a SINGLE line through the incorrect amount. Enter the correction clearly and legibly as close as possible to the incorrect entry and initial the correction.

Client Errors: Clients, who accidentally write the wrong date of use, may draw a SINGLE line through the incorrect date, write in correct date and initial the correction.

WIC Purchases and Non-WIC Purchases

The client should separate their WIC purchases from non-WIC purchases before reaching the checkout stand. If the client has not separated WIC foods from non-WIC foods, please ask them to do so.

Approved Foods

WIC checks may be used to purchase only the items specified on each check and listed on the WIC Approved Food List. Clients are not required to purchase all items on their checks or the full amount of items specified. No foods or container sizes may be substituted for those specified on the checks.

Least Expensive Product Requirement

Clients must purchase the least expensive products of the following WIC foods: milk, beans/peas, cheese, eggs, and infant cereal. When the WIC Approved Food List refers to "choice of", the WIC client is required to purchase the least expensive product of the type of food selected (e.g. Mixed Infant Cereal). **Least expensive product is defined as the least expensive product on the shelf at the time of purchase.** If the least expensive product is out of stock, then next least expensive product must be allowed. If an item is on sale and is now less than the usual least expensive product the WIC client must be allowed to purchase the item that is on sale as the current least expensive product. These situations override what may be programmed into the vendor's computer as the usual least expensive product.

Sales Tax

No sales tax is due on any WIC transaction. Therefore, sales tax may not be collected from WIC clients. K.A.R. 92-19-16 requires grocers to remit to the state the sales tax due on the face value of any store or manufacturer's coupons used in any transaction, including WIC transactions.

Use of Store or Manufacturer's Coupons

WIC clients are permitted to use coupons to purchase WIC foods. The use of coupons does not alter the determination of least expensive brand.

Sales tax is not collected from WIC clients. However, K.A.R. 92-19-16 requires grocers to remit to the state sales tax on the face value of coupons used in any transaction. Although the vendor cannot collect the tax from a WIC client, it is still required to pay the tax. The WIC program will reimburse the vendor for this tax paid. In order to receive reimbursement for paying the tax, the vendor may add the sales tax (on the face value of the coupon only) to the net value of the food sold. The net value is the total sale price of the food minus the amount of savings realized by using the coupon. No sales tax is due on any additional coupon value when the vendor doubles or triples the value of the coupon.

For example: The full price of a particular box of WIC approved cereal is \$3.00 and the face value of a coupon is \$0.40. The vendor doubles all coupons. This would mean a savings of \$0.80. If the tax on the face value of the coupon (remember just the \$0.40 and not the doubled \$0.80) is \$0.02 then the vendor would subtract \$0.80 from the total price of the food purchased and then add back in \$0.02 to cover the cost of tax sent in to the Kansas Department of Revenue. The total amount charged to the WIC program would be \$2.22 (\$3.00 minus \$0.80 plus \$0.02).

Rain Checks

*******Rain checks cannot be given for any foods listed on the WIC check. *******

If all foods on the check are not available, the client must go to another authorized vendor where all the food items on the check can be purchased. The original vendor should immediately take steps to ensure that minimum stock levels are being maintained.

Totaling the Check

The total price of the WIC foods purchased with each check must be written in numerical figures in the Actual Purchase Amount box in the middle of the check.

Cashiers Initials

The cashier completing the transaction legibly fills in his or her initials.

Use of Cash Register to Imprint WIC Transactions (endorsement of WIC check)

If the vendor has the capability to do so, it should imprint the entire WIC transaction on the back of the check. If possible the vendor name and WIC vendor number should be placed on the back of the check. This will speed reimbursement if there is ever any question as to the identity of the vendor, the actual purchase amount or date of use of the check.

Client Signature and Date of Purchase

After the total amount of the sale has been entered on the check and proper identification presented, WIC clients must sign and date the checks in the presence of the cashier. The signature must be that of one of the persons listed below the signature line on the check or a valid proxy. Clients or authorized representatives, who are unable to write, will sign the check with an "X". The cashier must witness the "X" by initialing next to the "X" after the client places the mark in the signature area.

Proxy Signature

Caregivers listed on the check may be unable to go to the grocery store to purchase the food. In these instances, a "proxy" may do the shopping. The proxy should have an authorized proxy card.

Note: see appendix C – Proxy Card.

Cash Register Receipts

The vendor will keep the receipts for all WIC transactions. The receipt should be kept for auditing purposes or if payment is not received due to an error with the check. To match the receipt to a check, it is suggested that the cashier write the check number on the receipt. Receipts should be kept in chronological order for ease of review and kept for a minimum of 30 days.

Exchanges and Refunds

Clients may not return foods purchased with WIC checks in order to obtain a cash refund, store credit, or to exchange them for different foods. Foods that are purchased and found to be spoiled should be returned for an even exchange of the same product. While processing a request to return an item for cash, it is acceptable to ask whether or not a customer is participating in WIC. It is appropriate for the vendor to contact the Local Agency with the name of any person they believe is a WIC client who is attempting to

exchange WIC foods for cash or credit, as this may constitute fraud. The State Agency or Local Agency cannot release the status of an individual's involvement in WIC to the vendor. Program status is considered confidential information. The State Agency and/or Local Agency will investigate and apply sanctioning procedures as appropriate.

The vendor may use several methods to help combat the situation of returning WIC foods for cash. The high value of certain infant formula makes this product the most tempting to return for cash. Three possible options to eliminate the return of infant formula are:

1. Establish a store policy requiring all customers (not just WIC customers) to sign for the returning of infant formula. This allows the vendor a consistent method for acquiring the individual's name for reporting to the Local Agency for follow-up of possible program abuse.
2. Establish a store policy requiring a cash register receipt for all customers attempting to return infant formula for cash.
3. At the time of checkout, the Universal Product Code (UPC) on infant formula could be lined through with a permanent marker by the cashier, thus denoting a WIC purchase and preventing the return for cash.

Processing WIC Checks

Review Checks before Depositing

To avoid check errors and non-payment of WIC checks, vendor staff should review checks at two points in the process prior to depositing them. Most check errors can be corrected if discovered prior to depositing the checks.

The first point of review is at the cash register during the WIC transaction.

- 1) Look for checks that have been altered. Altered checks are those where the Client's or Caregiver's Names, the First or Last Dates of Use, the Food Descriptions or the Authorized Food Quantities have been changed or altered. **Altered checks should not be accepted by the cashier or deposited.** Clients who have altered checks should be instructed to return to the Local Agency for replacement checks.
- 2) Look at the "Do not use before" and the "Do not use after" dates. Checks accepted prior to or after these respective dates **will not be paid**. The cashier should not accept these checks.
- 3) Cashiers should make sure checks have legible "Actual purchase date". Clients who accidentally write the wrong date may draw a single line through the incorrect date and then make and initial the correction. Date of use corrections require cash register imprinting of the transaction on the back of the check where possible. If the client forgets to date the check, store personnel may complete this section by filling in the actual purchase date.

The second point of review is by the bookkeeper while preparing to deposit the check.

- 4) Review checks for the correct date of use. Vendors with cash registers that imprint the date and the total amount of the sale on checks should imprint the check on the back and deposit as usual. Those without this ability should make sure the corrected date is legible and then deposit as usual.
- 5) Checks must be deposited at the bank on or before the date printed in the "Vendor Must Deposit by" section on the face of the check. If checks are not deposited by this date, the vendor must submit a letter to the State Agency explaining the extenuating circumstances that prevented a timely deposit and request an exemption from non-payment. Do not attempt to deposit checks after the "Vendor Must Deposit by" date.
- 6) Check totals must be **accurate and legible**. The actual purchase amount written on the check must be for the items listed on the check. If the cashier has mixed up checks during several WIC transactions, the bookkeeper can cross through the incorrect amount and write in the correct amount.
- 7) The client or caregiver's signature and the actual purchase date must appear on the check. If the signature is missing, call the Local Agency immediately for instructions. DO NOT deposit the check until the signature line has been completed. Remember checks must be deposited by the "Vendor must Deposit by:" date. You must attempt to obtain the signature as soon as possible to avoid non-payment of any check accepted without a signature. If the client forgets to date the check, vendor personnel may complete this section by filling in the actual purchase date.
- 8) The WIC vendor stamp, containing the WIC vendor number and name, is to be stamped on the front of each check inside the box under the words, "Not Negotiable without Kansas WIC Vendor Stamp Here". Be careful not to obscure any other items with the stamp. The stamp image on the checks must be legible.

Reimbursement Procedures

1. Deposit WIC checks as you do all of your other non-WIC checks. Once the check has been deposited, the bank of first deposit (your bank) credits your account according to normal bank procedures.
2. All WIC checks are routed through the Federal Reserve Banking system, first through the Kansas City Federal Reserve Bank and then on to the Federal Reserve Bank in Atlanta, Georgia. The checks are microfilmed and tallied for accurateness and then routed to the Covansys Operations Center in Atlanta for WIC processing.
3. Covansys, the Kansas contracted WIC check processor, visually and electronically edit the checks for several items. Some of these edits include: missing signatures, inappropriate use and deposit dates, missing vendor stamp, missing or "over the allowed amount" purchase amount, and alterations.

4. Information regarding checks that successfully pass the edit procedures will be processed through the banking system and on to the State of Kansas which will result in the transfer of funds to the bank of first deposit (your bank).
5. Checks failing established edits are stamped on the face of the check with the reason(s) for failure. These checks are returned through the banking system to the bank of first deposit (your bank) and ultimately to you, the vendor. These are considered rejected checks.

The most common reasons for rejected checks are:

- a. The actual purchase amount on the check is above the state allowed maximum price for the listed food items. The state maximum allowed price on food items are generated on a quarterly basis using Quarterly Price Assessments. This most generally happens when a WIC client is using multiple checks during one shopping event. Cashiers mix up checks and write incorrect totals on checks.
 - b. The check was used prior to the "Do not use before" date.
 - c. The check was used after the "Do not use after" date.
 - d. The date of use date and/or the authorized signature is missing.
 - e. The vendor's WIC approved stamp is missing.
 - f. The check was deposited more than 30 days after the "Vendor Must Deposit by:" date.
6. If you have deposited a WIC check without stamping it with your authorized WIC vendor stamp, and if that is the only reason that the check rejected, your check will be returned stamped with the following imprint: Missing/Illegible Vendor Number - Correct and Re-Deposit. You may then stamp and re-deposit the check with your bank.

No other rejected checks may be re-deposited for any reason. The vendor must contact the State Agency to resolve all other non-payment issues. If the vendor believes that an error was not committed and that payment is due, then the vendor must contact the State Agency for a review of the check.

In order for corrections or adjustments to be considered, requests must reach the State Agency within 30 days of the "Vendor Must Deposit by:" date as printed on the check. The vendor completes the Request for Reimbursement form. This form is only to be filled out in cases of extenuating circumstances. Simple processing errors or omissions are not considered extenuating.

Note: see appendix F – Request for Reimbursement of a Rejected Kansas WIC Check.

The USDA Regional Office must approve payments totaling over \$500.00 that is more than 30 days past the "Vendor must Deposit by;" date.

If it is determined that a check is to be reimbursed, a replacement check will be issued by the State Agency and sent to the vendor for deposit. Replacement checks will be processed through the federal banking system.

7. If a check payment has not been received within one week after deposit of the check, this fact should be reported to the State Agency. The vendor should be prepared to provide the following information:
 - a. The vendor name and WIC vendor number
 - b. The number of the check.
 - c. The date the check was deposited in your bank.
 - d. The amount of the check.

The State Agency will research and respond to the inquiry as soon as possible.

8. Retain all deposit slips and bank statements as advised by your tax consultant.

Visits to the Vendor

Federal, State Agency or Local Agency staff or other staff working under their authorization will periodically evaluate and monitor the activities of each authorized WIC vendor to determine compliance with WIC policies, requirements, and procedures. Visits may be unannounced and include undercover investigations. The vendor must provide WIC officials reasonable access to the premises and to appropriate records and personnel upon request. When problems are noted during any type of monitoring or investigation activity, the vendor is expected to take corrective action to remedy problems within a specified time frame. The State Agency or Local Agency will provide technical assistance and/or training if requested by the vendor or if indicated by the monitoring visit.

Announced and unannounced on-site monitoring visits will include, but not be limited to:

1. Verifying the availability and minimum stock of WIC approved foods.
2. Verifying the accuracy of prices charged on WIC checks and randomly reviewing WIC checks to determine redemption irregularities.
3. Observing and/or interviewing store personnel to determine their knowledge of and compliance with WIC vendor regulations and procedures. Interviews will be with a store manager, head cashier or line cashier.
4. Verifying the presence of the authorized WIC decal in the front window of the vendor, the Vendor Procedures Manual in the office and the WIC Approved Food List and Cashier Guide at each cash register.
5. Reviewing expiration dates of all WIC foods available for sale. Any out-dated products will be removed from the shelf and reported to the manager.
6. Verifying that no signs indicating special lines, prices, or foods are designated for WIC clients.

Vendor Stock Requirements

In order to meet the needs of all WIC clients, all authorized vendors are required to maintain an adequate stock of WIC allowable foods at all times. All vendors are mailed the minimum stock requirements with the WIC application. The vendor should use these requirements to maintain adequate stock at the time the Local Agency evaluates the vendor for the first time and throughout the time the vendor participates in WIC.

Note: see appendix G – Minimum Stock Requirements.

Employee Training

Vendors are responsible for training personnel to handle WIC transactions properly. The vendor is responsible for any and all cashier errors. The State Agency or Local Agency provides vendor training at least annually. One staff member from each contracted WIC vendor must attend the required face-to-face vendor training provided by the State Agency or Local Agency prior to the renewal date of the contract. Other training may be provided through self-instructional materials at the option of the State Agency or Local Agency.

Quarterly Price Assessment (QPA)

Price data gathered from the QPA provides retail shelf price to the State Agency. When all vendors submit completed QPA forms, more exact shelf price data is collected.

Every effort should be made to return QPA forms accurately completed and in a timely manner. The QPA must be completed by vendors and submitted quarterly. The forms are mailed by the 10th of February, May, August, and November and are due back at the State Agency no later than the 10th of the following month.

Note: see appendix D – Sample QPA.

Use of the WIC Acronym and Logo

USDA Food and Nutrition Service (FNS) has registered the acronym "WIC" and the WIC logo. This registration protects and limits the use of these trademarks. Additionally, authorized vendors may create and use material that simply notifies clients that the vendor is an authorized WIC vendor or "This Vendor Accepts WIC Checks". Any other use of the trademark requires prior authorization from the State Agency. If any other materials, other than those listed above, would like to be used, a single copy of materials must be sent to the State Agency for approval. Requests for approval should be sent to the address on page 4 of this manual.

Use of Shelf Labels

WIC vendors may create and use a generic shelf label that indicates WIC approved items. Specific individual products must not be identified on the shelf label. If vendors choose to create and use shelf labels, be aware that they must be placed on the least expensive brand and include all varieties (i.e. 16 oz block cheese, all varieties). Shelf labels must also be kept aligned with the proper products on the shelf.

Customer Relations and Complaints

Equal Treatment

Vendors must offer WIC clients the same courtesies as offered to other customers. Any practice that singles out WIC clients from other customers, e.g., separate lines or hours, is prohibited. Other non-allowed practices include maintaining lists of WIC clients, having WIC clients sign cash register receipts and keeping folders containing individual WIC client information. It may be helpful to remind personnel that WIC is a nutrition program designed to help clients overcome a nutritional risk factor that has identified by a health professional.

Remember, the WIC food package assigned to a WIC client is a nutritional prescription in the same way medicine is a pharmaceutical prescription.

Client Program Violations

Your cooperation in reporting attempted program violations is appreciated. Examples of reportable client behavior include:

1. An attempt to purchase foods other than those specified on the WIC check.
2. The use of an expired or altered check.
3. An attempt to obtain cash refund by returning food items purchased with WIC checks.
4. Any verbal abuse, threat or actual physical abuse to store personnel.

Vendor Complaints against WIC Clients

If you wish to make a complaint about a client, call your Local Agency. All reports of abuse and/or complaints should be made within ten days after the incident. Be as specific as possible, making sure to record the names and the details of the incident. Include such particulars as time, date, physical description, words exchanged, names of staff persons that witnessed the incident, etc. Make a copy of the WIC check, if appropriate to the complaint. The complaint will be discussed with the client and appropriate actions taken.

Non-Discrimination and Civil Rights

Vendors must offer WIC clients the same courtesies as offered to other customers. Any practice that singles out WIC clients from other customers is prohibited. Practices include, but are not limited to, maintaining lists of WIC clients and maintaining folders containing information about WIC clients.

The following is the USDA non-discrimination statement: "In accordance with Federal Law and U. S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, or disability. The USDA is an equal opportunity provider."

Clients may file a complaint of discrimination by contacting the local or state WIC agency or by writing to: USDA, Director, Office of Civil Rights, Room 326-W, Whitten Building, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call (202) 720-5964 (voice and TDD).

Vendor Contract Violation, Sanctions & Appeal Rights

Kansas WIC vendors determined to be in violation of WIC program policies and procedures, federal regulations, state statutes, the WIC Vendor Participation Contract or the Vendor Procedures Manual shall be sanctioned as indicated below.

Vendor violations may be intentional or unintentional. The Kansas WIC program may refer vendors who commit fraud and/or abuse of the WIC program to federal, state or local authorities for prosecution under applicable statutes. The WIC program has two levels of violations: those that result in Kansas WIC program sanctions and those that result in federally mandated sanctions.

The Kansas WIC program detects violations through monitoring, undercover buys, data analysis and reports from WIC clients and Local Agencies. Vendors who commit fraud and abuse may be prosecuted under federal, state and local laws and may be fined or imprisoned in addition to program sanctions.

Imposed sanctions may include warning letters, mandatory training sessions, administrative fines, monetary claims, Civil Money Penalties (CMP), suspensions, terminations or disqualifications from the WIC program, or any combination of sanctions.

In addition to the sanctions mandated by federal regulations, the State Agency will institute program sanctions. Each instance of a violation of Kansas WIC program rules has a set point value. The accumulation of fifteen (15) findings points or more within a twelve month (12) period will result in termination of the Vendor Participation Contract and a six month (6) disqualification from the Kansas WIC program.

Program sanctions can also take the form of warning letters with or without mandatory training session(s) and monetary fines. The following table lists Kansas WIC program sanctions:

Occurrence	Sanction	Points	Time Frame
First	Warning Letter with possible Mandatory Training session(s)	3 - 5	Points will accumulate for a one-year period, beginning with the date of the first point assignment.
Second	\$100.00 fine	6 - 9	
Third	\$250.00 fine	10 - 14	
Fourth	Termination of Contract and six (6) month disqualification	15 +	

If a vendor is disqualified from the Kansas WIC program, that vendor may also be subjected to a termination from the Food Stamp Program (FSP). Likewise, a vendor disqualified from the FSP shall have its WIC authorization terminated.

Violations under Sections A and B will remain on the vendor's record for sanction purposes for 12 calendar months from the date of the first violation. If the State Agency is able to determine that the vendor has complied within the following 12 months after being sanctioned for a violation in section A or B, then any subsequent incidence of that violation will be considered an initial incidence of that violation.

Section A – State Agency Imposed Sanctions for Administrative and Procedural Violations

Violation	Points
1. Failure to post the State approved WIC decal in a highly visible location	1
2. Inappropriate use of the WIC logo and acronym	1
3. Failure to display the current price of an authorized WIC food item on the item, shelf or nearby sign	1
4. Failure to respond timely to dated material	1
5. Failure to submit a Quarterly Price Assessment (QPA) by date indicated	1
6. Failure to verify identity of WIC client	1
7. Failure to allow WIC clients to use coupons or other promotional specials	1
8. Failure to offer WIC clients the same courtesies offered other customers	1
9. Contacting a WIC client in an attempt to recover funds for WIC checks not paid	1
10. Collecting sales tax on a WIC transaction	1
11. Maintaining stock of WIC foods on shelves past the manufacturer's expiration date printed on the package and/or container	2
12. Inappropriate and/or unauthorized use of the Kansas WIC vendor stamp	2
13. Failure to adhere to the approved procedures in accepting a WIC check	2
14. Failure to maintain minimum stock requirements	2

Section B – State Agency Imposed Sanctions for Fraud and Abuse

Violation		Points
1. Failure to attend training as required by the Kansas WIC program		6
2. Issuing rain checks for any food listed on the WIC check		6
3. Providing false or misleading information on the WIC Quarterly Price Assessment (QPA)		6
4. Threaten or verbally or physically abuse WIC clients		10
5. Allow the return of food purchased with a Kansas WIC check in exchange for cash, credit or non-food items		10
6. Threaten or verbally or physically abuse WIC program personnel in the conduct of official WIC program business		10
7. Failure to provide access to vendor premises and/or in any manner hinder or impede authorized WIC personnel in the act of conducting an on-site education, monitoring, inventory audit or investigation visit		10
8. Make a false or misleading statement on a WIC Vendor Application, contract or amendment		15
9. Purchase infant formula from a source that is not listed on the Approved Infant Formula Wholesalers/Retailers/ Manufacturers form		15
10. Assessment of a civil money penalty (CMP) for hardship in the Food Stamp Program (FSP)	Termination of Contract and disqualification for the period of time for which the vendor would otherwise have been disqualified from the FSP	
11. Mandatory sanction by another WIC State Agency	Termination of Contract and disqualification from the Kansas WIC program for the length of time as the disqualification assessed by the other State Agency	

Federal Regulations 7CFR § 246.12 require mandatory sanctions be imposed for violations listed in this section and also require that a pattern of incidences of a violation be established before imposing a mandatory sanction for violations number 4, 5, 6, 7, 8 and 9 listed below.

The State Agency will send the vendor a single warning letter after the first incidence of a violation for violations number 4, 5, 6, 7 and 8 listed below. Additional compliance buys may be conducted after the warning letter is sent. The State Agency will not send any additional warning letters for subsequent incidences of violations number 4, 5, 6, 7 and 8 listed below prior to imposing the mandatory sanction. (No warning letter will be sent for violation number 9 and 10).

If the State Agency determines that disqualification of the vendor would result in inadequate participant access, a CMP may be imposed in lieu of disqualification for the violations numbered 2, 3, 4, 5, 6, 7, 8, 9 and 10 listed below.

Violation	Number of incidences of the violation which will result in the indicated sanction	Sanction and length of disqualification
1. Vendors <u>convicted</u> of trafficking in food instruments or selling firearms, ammunition, explosives, or controlled substances [as defined in Section 102 of the Controlled Substances Act (21 U.S.C. § 802)] in exchange for food instruments.	One	Termination of contract and permanent disqualification
2. a. Buying or selling food instruments for cash (trafficking); or b. Selling firearms, ammunition, explosives, or controlled substances (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. § 802)) in exchange for food instruments.	One	Termination of contract and six year (6) disqualification
3. The sale of alcohol or alcoholic beverages or tobacco products in exchange for food instruments.	One	Termination of contract and three year (3) disqualification
4. Charging the WIC program more for supplemental foods than non-WIC customers or charging the WIC program more than the current shelf price.	Three	Termination of contract and three year (3) disqualification
5. Charging the WIC program for supplemental food not received by the participant.	Three	Termination of contract and three year (3) disqualification

Violation	Number of incidences of the violation which will result in the indicated sanction	Sanction and length of disqualification
6. Receiving, transacting and/or redeeming food instruments outside of authorized channels, including the use of an unauthorized vendor and/or unauthorized person	Three	Termination of contract and three year (3) disqualification
7. Providing credit or non-food items, other than alcohol, alcoholic beverages, tobacco products, cash, firearms, ammunition, explosives, or controlled substances (as defined in 21 U.S.C § 802), in exchange for food instruments.	Three	Termination of contract and three year (3) disqualification
8. Providing unauthorized food items in exchange for food instruments, including charging for supplemental food provided in excess of those listed on the food instrument.	Three	Termination of contract and three year (3) disqualification
9. Claiming reimbursement for the sale of an amount of specific supplemental food item, which exceeds the stores documented inventory of that supplemental food item for a specific period of time. Each month that a vendor claimed reimbursement for the sale of a specific supplemental food item, which exceeded the vendor's documented inventory of that supplemental food item, shall constitute an incidence of a violation.	Three	Termination of contract and three year (3) disqualification
10. Vendors who have been disqualified from the FSP shall be disqualified from the WIC Program. The disqualification shall be for the same length of time as the FSP disqualification and may begin at a later date than the FSP disqualification. The disqualification is not subject to administrative or judicial reviews under the WIC Program		

Multiple Violations during a Single Investigation

- If State Agency determines during the course of a single investigation a vendor has committed multiple violations, which may include violations subject to State Agency sanctions or federally mandated sanctions, the State Agency shall sanction the vendor for the most serious sanction.

Civil Money Penalty

- If the State Agency determines that disqualification of a vendor would result in inadequate participant access, a civil money penalty will be imposed. The civil money penalty amount shall be determined by using the formula in USDA Federal Regulations **7 C.F.R. § 246.12 (I) (1) (x)**. The formula is as follows:

Step I: Multiply 10% (.10) times the average monthly redemptions for the previous six calendar month period ending with the month preceding the month during which the notification of violation is dated.

Step II: Multiply the product of Step I by the number of months of the disqualification period.

For example, if a vendor were issued a sanction of 6 months disqualification in July, the State Agency would compile the average monthly redemption for the months of January through June. The average monthly redemption would then be multiplied by 10%. Multiply that figure by 6 (for the 6 month disqualification period).

Vendor A averages \$5,000 for the months February through July so $\$5,000 \times 10\% = \500 . Then $\$500 \times 6 = \$3,000.00$. This is the amount of the civil money penalty if the vendor cannot be disqualified due to participant access.

The result of Step II will be the civil money penalty imposed. A civil money penalty shall not exceed \$10,000 for each violation.

If the State Agency determines during the course of a single investigation that a vendor has committed multiple violations; the State Agency must impose a civil money penalty for each violation.

The total amount of civil money penalties for violations investigated as part of a single investigation shall not exceed \$40,000.

A civil money penalty shall not be imposed in lieu of disqualification for a third or subsequent sanction for violation listed in Mandatory Sanctions under Federal Regulations, items 2, 3, 4, 5, 6, 7, 8, 9, and 10.

Vendors that have been convicted of trafficking (Mandatory Sanctions under Federal Regulations - Item 1) in food instruments or selling firearms, ammunition, explosives or controlled substances in exchange for food instruments will be permanently disqualified from the WIC program. A civil money penalty in lieu of disqualification will not be considered even if disqualification of the vendor would result in inadequate participant access or if the vendor had at the time of the violation an effective policy and program in effect to prevent trafficking and the ownership of the vendor was not aware of, did not approve of, and was not involved in the conduct of the violation.

If a vendor does not pay, partially pays, or fails to timely pay a civil money penalty assessed in lieu of disqualification, the State Agency must disqualify

the vendor for the length of the disqualification corresponding to the violation for which the civil money penalty was assessed (for a period corresponding to the most severe violation in cases where a mandatory sanction included the imposition of multiple civil money penalties as a result of a single investigation).

Second Mandatory Sanction

- A vendor who previously has been assessed a sanction for violations listed in Mandatory Sanctions Under Federal Regulations, items 2, 3, 4, 5, 6, 7, 8, and 9 and if the vendor receives another sanction for any of these violations, the second sanction will be doubled.

Third or Subsequent Mandatory Sanction

- A vendor who previously has been assessed two or more sanctions for violations listed in Mandatory Sanctions Under Federal Regulations, items 2, 3, 4, 5, 6, 7, 8, and 9 and if the vendor receives another sanction for any of these violations, the third sanction and all subsequent sanctions will be doubled.

Administrative Review Process

Authorized WIC vendors have the responsibility to comply with WIC program regulations, policies and procedures. As indicated in this contract, the State Agency may impose sanctions on vendors for non-compliance. These sanctions range from warning letters to permanent disqualification from participation in the WIC program. Refer to Section IV of the Vendor Participation Contract for a full description of the sanctions.

1. Vendor's Right to Administrative Review.

- a. The Local Agency and/or State Agency must provide written notice of any adverse action taken against a vendor. The notice must specify the action being taken, the effective date of the action, the reasons for the action, and explain the vendor's right to and the procedures to follow to obtain an administrative review. Notice must be given prior to any adverse action being taken, with the exception of disqualification due to conviction of trafficking WIC food instruments.
- b. A vendor wishing to appeal an adverse action must submit (via U.S. Mail or FAX) a written request for a review of the action. The request must be made within fifteen (15) days of receipt of the notice of adverse action. The request for a review must include a summary of the reasons for appealing the action. Requests for appeal shall be addressed to Director, KDHE Nutrition and WIC Services, 1000 SW Jackson St., Suite 220, Topeka, Kansas 66612-1274.
- c. Appealing an action does not relieve the food vendor of responsibility for continued compliance with the terms of any written agreement or contract with the State Agency or Local Agency. Participating vendors who are disqualified from the program must reapply for authorization to participate. Applicants who are denied participation at application may appeal the denial, but shall **not** participate in the program while awaiting the decision.
- d. The State Agency shall not deny or dismiss a request for an administrative review unless:
 1. The request is not received in writing by the State within the time limit of 15 days from receipt of the notice of adverse action.
 2. The request is withdrawn in writing by the appellant or a representative.
 3. The appellant or a representative fails, without good cause, to appear at the scheduled hearing.
 4. The request for review is regarding an adverse action that is not subject to administrative review.
- e. When a vendor is disqualified due in whole or in part to violations in 7 CFR 246.12(l)(1), such notification must include the following statement: "This disqualification from WIC may result in disqualification as a retailer in the Food Stamp Program. Such disqualification is not subject to administrative or judicial review under the Food Stamp Program."

2. Effective Date of Adverse Actions against Vendors

- a. The State Agency must make denials of authorization and disqualifications effective on the date of receipt of the notice of adverse action. The State Agency must make all other adverse actions effective no earlier than 15 days after the date of the notice of adverse action and no later than 90 days after the date of the notice of adverse action or, in the case of an adverse action that is subject to administrative review, no later than the date the vendor receives the review decision.
- b. Decisions rendered under the administrative review procedures are the final state agency action. If a decision is rendered as a result of a hearing and the vendor expresses an interest in pursuing a higher review of the decision, the State Agency shall explain any available state level re-hearing procedures. If a re-hearing is not available or has been exhausted, the State Agency shall explain the right to pursue judicial review of the decision. Kansas statutes allow individuals to file suit against the State of Kansas in District Courts.

3. Pre-hearing conference

- a. Prior to the official administrative review, a pre-hearing conference may be held. A pre-hearing conference is a conference between the parties or their counsel and the Presiding Officer to discuss matters relevant to a full and fair hearing. A pre-hearing conference may be conducted in person or over the telephone.
- b. At the pre-hearing conference, the proceeding may, with the agreement of all parties and the concurrence of the Presiding Officer, be converted to an administrative review or a summary proceeding for disposition of the matter as provided by the Kansas Administrative Procedure Act.

4. The following adverse actions are subject to administrative reviews:

- a. The denial of authorization to become a WIC vendor based on:
 1. the vendor selection criteria for competitive price;
 2. the vendor selection criteria for minimum variety and quantity of authorized supplemental foods;
 3. a determination that the vendor is attempting to circumvent a sanction;
 4. the vendor selection criteria for business integrity;
 5. the vendor selection criteria for a current FSP disqualification or CMP for hardship;
 6. a State Agency-established vendor selection criteria if the basis of the denial is a WIC vendor sanction or a FSP withdrawal of authorization or disqualification;
 7. the State Agency's vendor limiting criteria;
 8. the vendor submitted its application outside the time frames during which applications are being accepted and processed as established by the State Agency;
 9. the vendor submitted its application and expects that 50% of their food sales revenue will be from WIC redemptions,
- b. the termination of a current WIC Vendor contract:
 1. for cause;
 2. because of a change in ownership or location or cessation of operations;

- c. the disqualification of a current WIC vendor:
 - 1. based on a trafficking conviction;
 - 2. based on the imposition of a FSP CMP for hardship;
 - d. the imposition of a fine or a CMP in lieu of disqualification; and
 - e. the disqualification or a CMP imposed in lieu of disqualification based on a mandatory sanction imposed by another WIC State Agency.
5. The following adverse actions are **NOT** subject to administrative review:
- a. the validity or appropriateness of the State Agency's vendor limiting or selection criteria;
 - b. the validity or appropriateness of the State Agency's client access criteria and client access determinations;
 - c. the State Agency's determination whether a vendor had an effective policy and program in effect to prevent trafficking and that the ownership of the vendor was not aware of, did not approve of, and was not involved in the conduct of the violation;
 - d. the denial of authorization if the State Agency's vendor authorization is subject to the procurement procedures applicable to the State Agency;
 - e. the expiration of a vendor's contract;
 - f. disputes regarding food instrument payments and vendor claims (other than the opportunity to justify or correct a vendor overcharge or other error, as permitted by 246.12(k)(3)); and
 - g. the disqualification of a vendor as a result of disqualification from the FSP.
6. The procedures for an administrative review are:
- a. Step 1 The State Agency sends the vendor written notification of the adverse action, the procedures to follow to obtain an administrative review and the cause(s) for and the effective date of the action
 - b. Step 2 The vendor submits a written request for an administrative review of the decision.
 - c. Step 3 The State Agency replies in writing to the requesting party either denying the review and stating the reason for denial, or advising the requesting party at least ten days in advance of the time and place of the pre-hearing conference or administrative review.
 - d. As part of the administrative review, the State Agency must provide the vendor with the following:
 - 1. The opportunity to appeal the adverse action within a time period specified by the State Agency in its notification of adverse action;
 - 2. adequate advance notice of the time and place of the administrative review to provide all parties involved sufficient time to prepare for the review;
 - 3. the opportunity to present its case and at least one opportunity to reschedule the administrative review date upon specific request;
 - 4. the opportunity to cross examine adverse witnesses;
 - 5. the opportunity to be represented by counsel if desired
 - 6. the opportunity to examine, prior to the review, the evidence upon which the State Agency's action is based;

7. An impartial decision-maker whose determination is based solely on whether the State Agency has correctly applied Federal and State statutes, regulations, policies, and procedures governing the program, according to the evidence presented at the administrative review; and
8. Written notification of the review decision, including the basis for the decision. The written notification need not amount to a full opinion or contain formal findings of fact and conclusions of law. The written notification should be provided within 90 days from the date of receipt of a vendor's request for an administrative review. This time frame is only an administrative requirement for the State Agency and does not provide a basis for overturning the State Agency's adverse action if a decision is not made within the specified time frame.

Appendix

Appendix A – Designation of Kansas Counties
Appendix B – WIC Program Identification Card/Check Folder
Appendix C – Proxy Card
Appendix D – Quarterly Price Assessment
Appendix E – Minimum Stock Requirements
Appendix F – Request for Reimbursement
Appendix G – Minimum Stock Exemption Form

Designation of Kansas Counties

Rural Counties

Anderson
Barber
Brown
Chase
Chautauqua
Cheyenne
Clark
Clay
Cloud
Coffey
Comanche
Decatur
Edwards
Elk
Ellsworth
Gove
Graham
Grant
Gray
Greeley
Greenwood
Hamilton
Harper
Haskell
Hodgeman
Jackson
Jewell
Kearney
Kingman
Kiowa
Lane
Lincoln
Linn
Logan
Marion

Marshall
Meade
Mitchell
Morris
Morton
Nemaha
Ness
Norton
Osborne
Ottawa
Pawnee
Pawnee
Phillips
Pratt
Rawlins
Republic
Rice
Rooks
Rush
Russell
Scott
Sheridan
Sherman
Smith
Stafford
Stanton
Stevens
Thomas
Trego
Wabaunsee
Wallace
Washington
Wichita
Wilson
Woodson

Urban Counties

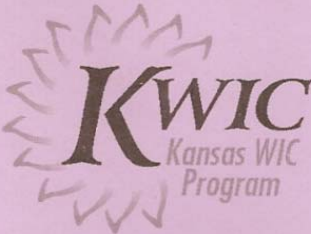
Allen
Atchison
Barton
Bourbon
Butler
Cherokee
Cowley
Crawford
Dickinson
Douglas
Doniphan
Ellis
Finney
Ford
Franklin
Geary
Harvey
Jefferson
Johnson
Labette
Leavenworth
Lyon
McPherson
Miami
Montgomery
Neosho
Osage
Pottawatomie
Reno
Riley
Saline
Sedgwick
Seward
Shawnee
Sumner
Wyandotte

Population State, county, and city population estimates for 2001-2005 were produced by the United States Census Bureau (USCB) and certified by the Kansas Division of Budget. These estimates are on the Kansas Division of Budget website at:

http://budget.ks.gov/publications/FY2008/2007_Economic_Demographic_Report.pdf

WIC Program Identification Card/Check Folder

Please bring this folder to every WIC appointment.



**The Special Supplemental Nutrition Program
for Women, Infants, and Children**

Client Name/ID#

Client Name/ID#


Client Name/ID#

Client Name/ID#

Kansas WIC Program Identification Card	
Client/Caregiver's Signature	
Alternate Caregiver's Signature	

The actual document/folder is purple.

PROXY CARD

	
Kansas Department of Health and Environment Kansas WIC Program Proxy Identification Card	
<hr/>	
Local WIC Agency	
<hr/>	
Address	
<hr/>	
WIC Client's Name	ID#
<hr/>	
Proxy Signature	
<hr/>	
Issue Date	Expiration Date
<hr/>	
Local Agency Authorized Representative	

The actual card is purple.

SAMPLE OF A PARTIAL QPA

Juice	Apple - 6.75 oz box, single strength - <i>Juicy Juice</i>	10 pack	2800085236	\$
	Apple - <i>Musselman's</i>	46 oz	3732312043	\$
	Blends - Harvest Surprise - Grape - <i>Juicy Juice</i>	46 oz	2800008447	\$
	Grape - <i>Welch's</i>	46 oz	4180021800	\$
	Grape - concentrate - frozen or shelf stable - <i>Welch's</i>	11.5 oz	4180014800	\$
	Orange - <i>Texsun</i>	46 oz	3610000122	\$
Dairy	Cheese - Cheddar	16 oz block	N/A	\$
	Cheese - Mozzarella	16 oz block	N/A	\$
	Eggs - large, grade A or AA	1 dozen	N/A	\$
	Milk - whole	1 gal	N/A	\$
	Milk - Lactose free or reduced – Please mark one: _____ Dairy Ease _____ Lactaid	1 qt only – please do not report ½ gallon price	Dairy Ease 2% UPC 1284370200 Lactaid 2% UPC 4138309042	\$ \$
	Milk - evaporated	12 fl oz can	N/A	
	Milk - dry	3 qt box only	N/A	\$
Miscellaneous	Infant Cereal - Rice	8 oz	N/A	\$
	Dried beans/peas	1 lb	N/A	\$
	Tuna, chunk light	6 oz can	N/A	\$
	Carrots - whole, bagged	1 lb	N/A	\$
	Peanut Butter - creamy or crunchy	18 oz	N/A	\$

This form must reach the WIC State Agency by
June 8, 2007. Mail to:
 Kansas Department of Health and Environment
 Nutrition and WIC Service
 1000 SW Jackson, Suite 220
 Topeka, Kansas 66612

Completing this form is a contractual obligation.

**One sanction point will be assessed to vendors who
do not submit this form by the indicated date.**

I certify that the prices submitted on this price survey are true and correct.

Print Name

Title

Date

Signature

MINIMUM STOCK REQUIREMENTSFor Kansas WIC Vendors located in **URBAN** counties effective October 1, 2007

To meet the needs of WIC clients, vendors authorized in the WIC program must maintain the minimum levels, sizes and varieties of stock as indicated on this chart. Contact your local agency for exemption requirements for infant formula.

Food Item	Minimum Brand or Variety Standard	Required Package Standards	Minimum Stock Level
Infant Formula			
Milk Based, Iron Fortified			
Similac Advance	Powder	12.9 oz cans	18 cans
Similac Advance	Concentrate	13 oz cans	70 cans
Soy Based, Iron Fortified			
Isomil Advance Soy	Powder	12.9 oz cans	18 cans
Isomil Advance Soy	Concentrate	13 oz cans	70 cans
Milk Based Lactose Free			
Similac Sensitive	Powder	12.9 oz cans	18 cans
Similac Sensitive	Concentrate	13 oz cans	70 cans
Milk			
Whole	1 brand	Half-gallon Gallon	2 half-gallons 14 gallons
Low fat/skim	1 brand	Half-gallon Gallon	2 half gallon 14 gallons
Cheese (see WIC Approved Food List)			
Least expensive	2 varieties	16 oz (1 lb) package	6 lbs each variety
Eggs			
Large, Grade A or AA	1 brand	1 dozen	4 dozen
Juice (see WIC Approved Food List)			
Ready to drink, cans/plastic bottles	2 flavors	46 oz container	7 containers each variety
Concentrate, frozen or shelf stable	2 flavors	11.5-12 oz container	7 containers each variety
Cereal			
Infant	2 varieties (rice + 1)	8 oz box	4 boxes each variety
Child/Adult	4 varieties	9 oz or larger package	2 packages each variety
Peanut Butter			
Smooth or Crunchy	1 brand	18 oz jar	2 jars
Dried Beans, Peas or Lentils			
Least expensive	1 brand	Packages up to 16 oz	2 packages
Tuna, chunk light			
Water or Oil packed	1 brand	5 ½ - 6 ½ oz cans	8 cans
Carrots			
Fresh, whole or baby	1 brand	1 lb package	4 lbs

Least expensive brand is defined as the least expensive brand **on the shelf at the time of purchase**.

This includes the following items: milk, cheese, eggs, dried beans, peas or lentils, infant cereal, tuna and carrots.

MINIMUM STOCK REQUIREMENTSFor Kansas WIC Vendors located in **RURAL** counties effective October 1, 2007

To meet the needs of WIC clients, vendors authorized in the WIC program must maintain the minimum levels, sizes and varieties of stock as indicated on this chart. Contact your local agency for exemptions on requirements for infant formula.

Food Item	Minimum Brand or Variety Standard	Required Package Standards	Minimum Stock Level
Infant Formula			
Milk Based, Iron Fortified			
Similac Advance	Powder	12.9 oz cans	9 cans
Similac Advance	Concentrate	13 oz cans	35 cans
Soy Based, Iron Fortified			
Isomil Advance	Powder	12.9 oz cans	9 cans
Isomil Advance	Concentrate	13 oz cans	35 cans
Milk Based Lactose Free			
Similac Sensitive	Powder	12.9 oz cans	9 cans
Similac Sensitive	Concentrate	13 oz cans	35 cans
Milk			
Whole	1 brand	Half-gallon and Gallon	1 half gallon 7 gallons
Low fat/skim	1 brand	Half-gallon and Gallon	1 half gallon 7 gallons
Cheese (see WIC Approved Food List)			
Least expensive	2 varieties	16 oz (1 lb) package	3 lbs each variety
Eggs			
Large, Grade A or AA	1 brand	1 dozen	2 dozen
Juice (see WIC Approved Food List)			
Ready to drink, cans/plastic bottles	2 flavors	46 oz container	3 containers each variety
Concentrate, frozen or shelf stable	2 flavors	11.5-12 oz container	3 containers each variety
Cereal			
Infant	2 varieties (rice + 1)	8 oz box	2 boxes each variety
Child/Adult	4 varieties	9 oz or larger package	1 package each variety
Peanut Butter			
Smooth or Crunchy	1 brand	18 oz jar	1 jar
Dried Beans, Peas or Lentils			
Least expensive	1 brand	Packages up to 16 oz	1 package
Tuna, chunk light			
Water or Oil packed	1 brand	5 ½ - 6 ½ oz cans	4 cans
Carrots			
Fresh, whole or baby	1 brand	1 lb package	2 lbs total

Least expensive brand is defined as the least expensive brand **on the shelf at the time of purchase**.

This includes the following items: milk, cheese, eggs, dried beans, peas or lentils, infant cereal, tuna and

carrots.

Request for Reimbursement for a Rejected Kansas WIC Check

Vendor Contact Person:

Phone #:

E-mail:

<u>Vendor Stamp</u>	<u>City</u>	<u>County</u>
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<p align="center"><u>Attach Cash Register Receipt Here</u></p> <p align="center">Mail to KDHE - BCYF - Nutrition & WIC 1000 SW Jackson, Suite 220 Topeka KS 66612-1274</p>	<p align="center">*** STATE AGENCY USE**</p> <p align="center">Completed review of check. Findings are as follows:</p> <p><input type="checkbox"/> Approved Date: _____ Initials: _____</p> <p><input type="checkbox"/> Reimbursed full amount. \$ _____</p> <p><input type="checkbox"/> Reimbursed reduced amount. \$ _____</p> <p><input type="checkbox"/> Denied Date: _____ Initials: _____</p> <p><input type="checkbox"/> Sold over quantity of items indicated.</p> <p><input type="checkbox"/> Sold products that were not listed on WIC check.</p> <p><input type="checkbox"/> Missing signature after deposit.</p> <p><input type="checkbox"/> Other: _____</p> <p>State Agency Comments: _____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
<p>Please describe the <u>extenuating</u> circumstance that led to the rejection of the check. Explain your plan of action for re-training employees to avoid a repeat of this error in the future.</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>	

KANSAS WIC PROGRAM
MINIMUM STOCK EXEMPTION FORM

I, _____, an authorized representative of _____
Name of Store Representative Name of Store

located at _____,
Street Address City State Zip County

do hereby request an exemption from the minimum stock requirements of the Kansas WIC program. I am requesting this exemption for the product(s) noted due to a lack of demand for infant formula or Lactose Free milk at the store located at the address indicated above.

Products selected are approved for exemption:

Similac Advance	<input type="checkbox"/> Powder	<input type="checkbox"/> Concentrate
Similac Sensitive	<input type="checkbox"/> Powder	<input type="checkbox"/> Concentrate
Isomil Advance	<input type="checkbox"/> Powder	<input type="checkbox"/> Concentrate

I understand and agree that this exemption is for this location and this location only, and is for the indicated product(s) only. I further understand and agree that if a WIC client or a Local Agency WIC staff member requests a specific infant formula (as listed above) or Lactose Free milk, the requested product will be ordered at once and every effort will be made to make the requested product available to participants within 72 hours of the request.

I understand and agree that any abuse of this exemption may result in the revocation of the exemption and may also result in disciplinary action against the store. I understand and agree that this exemption may be revoked at any time at the discretion of the WIC program.

Authorized Signature of Store Representative

Date

Local Agency Approval:

Name of Authorized Local Agency WIC Staff

Date

A copy of this signed/approved form must be maintained and available for review at the site of the WIC vendor.
A copy of this signed/approved form must be on file at Local and State Agency levels.